@#@#@#@#@#@#@

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO :17969 of 2005

DATED:16-08-2005

Between:

Kurapati Padmavathi

..... PETITIONER

AND

1. The Mandal Revenue Officer, Pedda Mudiam Mandal,

Kadapa District and another

.....RESPONDENTS

@#@#@#@#@#@#@

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO:17969 of 2005

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the

respondents in implementing the endorsement made by the District Collector dated 11-04-2005 on the appeal/representation made by the petitioner in pursuance of the directions of this Court.

2. It is stated that the petitioner was appointed as a Mid Day Meal Scheme Cooking Agency in the year 2003. While continuing as such, the Mandal Revenue Officer passed an order dated 17-03-2005 removing the petitioner as Cooking Agency and appointing one Smt.Nageswaramma in her place. Therefore, the petitioner approached this Court and filed W.P.No.7242 of 2005, and this Court while disposing of the said writ petition directed the petitioner to file an appeal before the Joint Collector, who is stated to be the competent authority. Subsequently, the petitioner approached the District Collector by making a representation/appeal. On that, the District Collector made an endorsement directing the Mandal Educational Officer, Pedda Mudiam-the second respondent herein, to continue the petitioner as a Mid Day Meal Scheme Cooking Agency of Ward I, Peddapasupula village. As the said direction of the District Collector is not implemented by the respondents, the petitioner has come up with the present writ petition seeking a direction to the respondents to implement the said endorsement of the District Collector.

3. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

4. This Court on earlier occasion, when the petitioner approached assailing the proceedings of the Mandal Revenue Officer dated 17-03-2005, directed the petitioner to file an appeal before the Joint Collector. However, it is stated that on a representation made by the petitioner, the District Collector made an endorsement directing the Mandal Educational Officer to continue the petitioner as a Mid Day Meal Scheme Cooking Agency. But, the said endorsement to continue the petitioner as a Midday Meal Scheme Cooking Agency is not implemented. Therefore, the petitioner has come up with the present writ petition.

5. In fact, this Court directed the petitioner to file an appeal before the Joint Collector who is stated to be the appellate authority under the scheme. But the representation made by the petitioner was entertained by the District Collector and made an endorsement. If the representation is treated as an appeal, the District Collector or the Joint Collector whoever acts as an appellate authority cannot make any endorsement, but they have to issue notice to the affected party also and pass appropriate orders after hearing both sides. Under the above circumstances, the endorsement made by the District Collector is not proper, especially, when there is an order in favour of a third party.

6. Under the above circumstances, the impugned endorsement is set aside and the matter is restored to the file of the District Collector. If the District Collector has got the appellate power to dispose of the appeal/representation, he shall pass appropriate orders after giving opportunity to the other side and after hearing the petitioner. If the District Collector has no such power and if it is allocated to the Joint Collector, the District Collector is directed to made over the representation/appeal to the Joint Collector, who has to dispose of the same in accordance with law after hearing both sides, expeditiously, preferably, within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No order as to costs.

S.ANANDA REDDY, J

16th August, 2005

NOTE:

Communicate the copy of the order

to the District Collector, Kadapa.

B/o.

SKM